

1 NICOLA T. HANNA
United States Attorney
2 LAWRENCE S. MIDDLETON
Assistant United States Attorney
3 Chief, Criminal Division
STEVEN R. WELK
4 Assistant United States Attorney
Chief, Asset Forfeiture Section
5 KATHARINE SCHONBACHLER (Cal. Bar No. 222875)
Assistant United States Attorney
6 Asset Forfeiture Section
1400 United States Courthouse
7 312 North Spring Street
Los Angeles, California 90012
8 Telephone: (213) 894-3172
Facsimile: (213) 894-0142
9 E-mail: Katie.Schonbachler@usdoj.gov

10 Attorneys for Plaintiff
UNITED STATES OF AMERICA
11

12 UNITED STATES DISTRICT COURT
13 FOR THE CENTRAL DISTRICT OF CALIFORNIA
14 WESTERN DIVISION

15 UNITED STATES OF AMERICA,
16 Plaintiff,
17 v.
18 ONE ANCIENT MOSAIC,
19 Defendant.

20
21 MOHAMAD YASSIN ALCHARIHI,
22 Claimant.

No. 2:18-CV-04420-JFW (SSx)

DECLARATION OF SPECIAL AGENT
ELIZABETH RIVAS IN SUPPORT OF
THE GOVERNMENT'S STATUS
REPORT RE STAY

[UNDER SEAL]

DECLARATION OF SPECIAL AGENT ELIZABETH RIVAS

I, Elizabeth Rivas, declare as follows:

1. I am a Special Agent (“SA”) for the Federal Bureau of Investigation (“FBI”) and have served in that capacity for more than twenty two years. I am currently assigned to the FBI Los Angeles Office, Organized Crime Squad. I am also a member of the Art Crime Team of the FBI. On the Art Crime Team, my current responsibilities involve the investigation of art theft, art fraud, and other criminal violations related to the theft of cultural artifacts and antiquities. I have attended classes and courses conducted by the FBI and other agencies regarding art and antiquities theft and smuggling. As a result of my training and experience, I am familiar with how individuals involved in the theft of art and antiquities operate and the patterns generally utilized by these individuals. I have become well-versed in the methodology utilized by individuals involved in the trafficking of stolen art and other stolen property.

2. On May 23, 2018, Plaintiff United States of America (the “government”) filed a civil forfeiture action against the defendant One Ancient Mosaic (the “defendant mosaic”), alleging that the defendant mosaic is subject to forfeiture pursuant to 19 U.S.C. § 1595a(c)(1)(A). Thereafter, Claimant Mohamad Yassin Alcharihi (the “Claimant” or “Alcharihi”), filed a claim to the defendant mosaic and an answer to the complaint.

3. Claimant and others are currently being investigated for violations in the ongoing criminal investigation. The criminal investigation and the instant forfeiture proceedings arise out of the same general facts and will involve many of the same issues of fact and law.

4. The ongoing criminal investigation has been unique and time-consuming for a number of reasons. It has been extremely time consuming to review the voluminous data obtained from eleven digital devices and four email accounts associated with the Claimant and others that were searched pursuant to federal warrants. Many of the records were in a foreign language and therefore needed to be translated. Agents are

1 continuing to review and organize the voluminous evidence in the ongoing criminal
2 investigation.

3 5. In addition to reviewing voluminous amounts of digital evidence, agents
4 also conducted additional investigation to identify and locate the individuals that
5 Claimant was communicating with both in the United States and abroad. Agents
6 conducted interviews of multiple witnesses in the U.S. Agents submitted a request for
7 authorities in another country to locate and interview a close associate of Claimant who
8 was involved in the purchase of the defendant mosaic. Because the associate resides in a
9 foreign country, this interview request must be processed through the foreign country's
10 authorities. This process typically takes several months and is outside the control of the
11 case agents. The U.S. Attaché will advise the agents as soon as the foreign country's
12 authorities provide an update.

13 6. Also, due to the unique nature of the defendant mosaic, it has been difficult
14 to identify experienced and qualified experts to evaluate the defendant mosaic. Agents
15 have made progress in this area and met with an expert and appraiser. Agents also
16 identified a conservator and a geologist who recently examined the defendant mosaic
17 and took multiple samples of the mosaic for scientific testing. The geologist and
18 conservator recently completed their reports and provided them to the government.

19 7. On August 8, 2019, the government had a meeting with Claimant and the
20 Claimant's counsel and the government extended a plea offer. Claimant has thirty days
21 to advise the government if the offer will be accepted.

22 8. If Claimant accepts the plea offer, the government anticipates that it will
23 take another 30 to 60 days to finalize the terms of the plea agreement with Claimant and
24 his attorney.

25 9. Civil discovery and the filing of a motion for summary judgment will most
26 likely adversely affect the ability for the government to conduct the related criminal
27 investigation because it will subject the government's criminal investigation to early civil
28 discovery before an indictment is obtained and a criminal trial takes place.

1 10. In order for the government to present its evidence in support of a motion
2 for summary judgment, the government would be required to submit testimonial
3 declarations from law enforcement and other government witnesses, whose testimony
4 are central to the ongoing criminal investigation, creating risks of jeopardizing the
5 criminal investigation.

6 11. As noted in the civil forfeiture complaint, a number of witnesses and an
7 expert were not identified by name to protect their identities while the criminal
8 investigation is ongoing. The government has also not requested the unsealing of the
9 affidavit in support of the federal search and seizure warrant to protect the identities of
10 witnesses and other sensitive information contained in the affidavit before an indictment
11 is obtained and arrests are made. Disclosure of the government's witnesses in the civil
12 matter may also cause Claimant or others to intimidate the witnesses before they could
13 testify in the criminal proceedings.

14 I declare under penalty of perjury under the laws of the United States of America
15 that the foregoing is true and correct and that this declaration is executed in Los Angeles,
16 California, on August 15, 2019.

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18 ELIZABETH RIVAS
19 Special Agent
20 Federal Bureau of Investigation
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